

# Herald of Freedom.

BY G. W. BROWN & CO.

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## The Troubles of Vermont.

Controversy between Vermont and New York.  
(CONCLUDED.)

"We, as messengers, laid before the above committee an extract of the minutes of His Majesty's Council of the province of New York of the 2d instant, together with His Excellency governor Tryon's letter of the same date, directed to the inhabitants of Bennington, &c., and after reading the same, the above committee and a numerous concourse of the inhabitants of the adjacent country and other spectators, gave a full and unanimous vote in favor of the papers aforesaid; and the thanks of the people were presented to us for our diligence in procuring these papers. Peace was also recommended on the whole New Hampshire Grants, by all who were present; when the whole artillery of Bennington, with the small arms were several times discharged in honor of the governor and council of New York.—Health to the king—Health to governor Tryon—Health to the council of New York—Universal peace and plenty, liberty and prosperity, by sundry respectable gentlemen, some of whom were from neighboring provinces.

STEPHEN FAY,  
JONAS FAY.

During these transactions at New York, intelligence was brought to Bennington that Mr. Kockburn, a noted surveyor in the employment of New York claimants, was engaged in laying out land in some of the northern townships. Ethan Allen collected a small party, and in pursuit of the surveyor, overtook him, broke his instruments and made him prisoner. He was brought to Castleton, tried and sentenced to banishment, and was to suffer death if caught within the Grants, but at this juncture hearing of the success of the mission to New York, they rescinded the harsh sentence, and dismissed the surveyor.

During this expedition, Allen's party dispossessed the tenants of an intruder at the lower falls on Otter Creek, where Vergennes now stands. The lands here had been granted by New Hampshire in 1761, and a settlement commenced under said grant, and a saw-mill erected as early as 1769. Shortly after, Col. Reed, claiming under a subsequent grant from New York, forcibly drove off the New Hampshire settlers and put his own tenants in possession. They had extended the settlement, erected several log houses and a grist-mill. These were in turn ordered off by Allen, their houses burnt, their mill-stones broken by being thrown over the falls, and Pangborn, the New Hampshire proprietor, again put in possession of his saw-mill.

Intelligence of these transactions soon reached governor Tryon, who, on the 11th of August, 1772, addressed a letter of sharp rebuke to the inhabitants of the Grants and required them forthwith to quit Col. Reed's tenants "into re-possession of their lands and tenements." On the reception of this letter, the committee of the several towns assembled at Manchester, and on the 27th of August a bold and decisive, but conciliatory answer was prepared, in which they contended, that there was no breach of faith on their part, because none was pledged till after those transactions, when on the 15th of July, the proposition of governor Tryon was accepted, and that the aggressors were the New York claimants, who had undertaken to survey and take possession of the disputed domain, declaring unequivocally their determination neither to break articles of public faith, insult governmental authority, nor abandon their property to the mercy of New York land-jobbers. They, moreover, declined restoring Col. Reed's tenants their possession, not doubting that when His Excellency came to understand that they were really intruders, he would approve their conduct.

To the above-mentioned communication an answer from the governor was respectfully requested, but it does not appear that he saw fit to comply; and this abortive attempt at reconciliation seems only to have widened the breach and increased the animosity between the parties. New York now resorted to the expedient of appointing several prominent settlers to office for the purpose of buying them over to their interests. To counteract these designs, and to provide for an effective resistance to the Yorkers, a convention was assembled at Manchester, on the 21st of October, 1772, which, among other things, decreed that no person on the Grants should accept or hold any office under the authority of New York; "and all civil and military officers, who had acted under the authority of New York, were required to suspend their functions, on the pain of being viewed. It was also decreed "that no person should take grants, or confirmation of grants, under the government of New York."

Punishment for the infraction of these decrees was left to the discretion of the court, except that it must not be capital for the first offence.

### CHAPTER IV.

In July, 1773, Col. Reed, whose tenants had been dispossessed at the lower falls on Otter Creek, as mentioned in the preceding chapter, induced a number of Scotch emigrants, who had lately arrived at New York, to accompany him to Otter Creek for the purpose of repossessing

the property which he claimed there.—On their arrival the New Hampshire settlers were a second time compelled to abandon the place, and Col. Reed, having repaired the grist-mill and re-instated the mill stones by means of hooping them, left the Scotchmen, with orders to keep possession and continue the improvements.

Intelligence of these transactions soon reached Bennington, whereupon Ethan Allen, Seth Warner, Remember Baker, and a number of others immediately proceeded to the place for the purpose of again dispossessing the New York intruders and restoring the rightful owners. They compelled the miller to break the mill-stone into small pieces with a sledge and throw them down the falls, and commanded them not to repair the mill again "on pain of suffering the displeasure of the Green Mountain Boys." The Scotch settlers, who had not removed their families from New York, on hearing the nature of the controversy, declared they had been deceived, and abandoning all claim to the lands, retired, and afterwards settled on the Mohawk river.

To prevent a recurrence of these scenes, Allen and his party caused a small block-house to be erected at the falls, which was garrisoned by a few men and subsequently afforded full protection to these settlements against the "Yorkers." At this period the rich lands on the Winooksi, or Onion river, were attracting much attention, and several persons in and about Bennington, and others in Connecticut, had made purchases there under New Hampshire titles; and there is a tradition that the intelligence of Col. Reed's second intrusion was conveyed to Bennington by Ira Allen, who returning from exploring those lands preparatory to a settlement, and arriving at the falls on Otter Creek on a dark and stormy evening, sought shelter and refreshment at the settlement there, which was then the most northerly on the west side of the mountains. He knocked at the door and instead of being met by his friends, who had been re-instated by the Green Mountain Boys, as mentioned in the preceding section, was met by the thrust of a sword in the hand of some person within, which luckily did him no injury. After making known his condition he was admitted, but to his surprise he found the place in possession of a number of Scotchmen. Here he passed the night and then proceeded to Bennington with the intelligence.

After having secured the New Hampshire settlers in their possessions on Otter Creek, and with a view to prevent the intrusion of New York claimants upon the lands on the Winooksi river, Allen and Baker proceeded thither, with their men and erected a block-house near the lower falls on that stream. It stood on the Colchester side of the river, in the midst of what is now called "Winooksi Village," and had thirty-two port-holes in the upper story. The settlement upon this river was commenced the next year, 1774, and upon the breaking out of the revolution, in 1775, the block-house, being furnished with arms and ammunition, afforded the settlers shelter and protection till the settlement was abandoned in 1776.

In consequence of the second expulsion of Col. Reed's tenants, governor Tryon applied to general Haldimand, the military commander-in-chief, for a military force to protect the New York claimants in their possessions, but the general, doubting the propriety of employing the regular troops for such a purpose, refused to comply with His Excellency's wishes.

Clarendon and vicinity was settled by people who were generally in favor of New York. Those in the south part of Clarendon held their lands under deeds from Col. Henry H. Lydius, who pretended to derive his title from governor Pownall of Massachusetts, and their township was called Durham. The north part of Clarendon and a part of Rutland had been granted by New York under the name of Social-borough. Some of the principal men of Durham and Social-borough having accepted offices and thus recognized the jurisdiction of New York, frequent disturbances having arisen in that quarter, in the fall of 1773, Allen and Baker raised a force of one hundred men for the purpose of compelling the Durhams, as they were called, either by terror or force to recognise the New Hampshire title. On the advance of this force they, who held offices under New York, fled. Allen and his party remained several days, and after sundry exhortations and threatenings, returned without inflicting any serious injury upon the persons or property of the inhabitants.

The leaders of the Durhams fled to New York, and laid before the governor and council a full statement of the outrages committed by what they were pleased to call the "Bennington mob." The government of New York regarded these outrages as open acts of treason and rebellion, which could no longer be endured. They looked upon the Green Mountain Boys as a lawless banditti, and, confiding in their own strength, and miscalculating the power and resistance of a few determined spirits acting on the defensive and driven to desperation, they resolved to bring them to merited punishment. For this purpose they proceeded to adopt measures "the most minatory and despotic of any thing which had ever appeared in the British Colonies."

A committee of the general assembly of New York, on the 5th day of February, 1774, passed several resolutions, expressive of their opinion of what they were pleased to call the lawless and riotous proceedings of the "Bennington Mob; and among other things, they desired his Excellency, the governor, to offer, by proclamation, a reward for apprehending and securing the ringleaders, in those transactions, in the jail at Albany. This committee also recommended that a law should be passed, the object of which should be, more effectually "to suppress riotous and disorderly proceedings, and to bring offenders to condign punishment."

A knowledge of the doings of this committee having reached the settlers, through the public prints, a general meeting of the committees of the several townships, was held at the house of Eliakim Wellers, in Manchester, March 1st, 1774, and afterwards by adjournment, at Jehiel Hawley's in Arlington, on the 3d Wednesday of the same month. At this meeting, was drawn up a sketch of the proceedings previous to this period, and, after recommending to the government of New York to wait the determination of his Majesty, before proceeding to further extremities, it was resolved, "that as a country, we will stand by and defend our friends and neighbors who are indicted at the expense of our lives and fortunes." It was also resolved "that for the future every necessary preparation be made, and that our inhabitants hold themselves in readiness, at a minute's warning, to aid and defend those friends of ours, who, for their activity in the great and general cause, are falsely denominated rioters." It was at the same time agreed, that they should act only on the defensive, and should encourage the execution of the laws in civil cases, and also in criminal prosecutions "that were so indeed."

While the convention of the New Hampshire grants was discussing and adopting these resolutions, the general assembly of New York was proceeding to carry into effect the resolutions of the 5th of February; and on the 9th of March 1774, they enacted a law which put an end to all prospects of reconciliation. This extraordinary law, (which is of too great length to be inserted entire,) enacted, among other things equally sanguinary and despotic,—that if any person, or persons, oppose any civil officer of New York, in the discharge of his official duty, "or wilfully burn or destroy the grain, corn or hay, of any other persons being in any inclosure; or if any persons unlawfully, riotously and tumultuously assembled together to the disturbance of the public peace, shall, unlawfully and with force, demolish, or pull down, or begin to demolish or pull down any dwelling-house, barn, stable, grist-mill, saw-mill, or out-house, within either of the said counties of Albany and Charlotte; that then each of said offences shall be adjudged felony, without benefit of clergy, and the offenders therein shall be adjudged felons, and shall suffer death, as in cases of felony, without benefit of clergy."

It was made the duty of the governor to publish the names of such persons, in the public papers, as were indicted in either of the counties of Albany or Charlotte, for any offence made capital by this or any other law, with an order in council commanding such offender, or offenders, to surrender themselves respectively, within the space of seventy days next after the publication thereof. This order was to be forwarded to the sheriffs and posted up in several public places. "And in case such offenders shall not respectively surrender themselves, he or they, so neglecting, or refusing, shall from the day appointed for his surrender, as aforesaid, be adjudged, deemed and, (if indicted for a capital offence hereafter to be perpetrated,) convicted of felony, and shall suffer death, as in cases of persons convicted of felony by verdict and judgment, without benefit of clergy."

All crimes committed on the grants, were, by this act, permitted to be tried in the county, and by the courts of Albany; and the courts were empowered by it to award execution against such as should be indicted for capital offences, and who should not surrender themselves in conformity to the order of the governor and council, in the same manner as if they had been convicted on a fair and impartial trial. A proclamation was at the same time issued by the governor of New York, offering a reward of £50 each for apprehending and securing Ethan Allen, Seth Warner, Remember Baker, Robert Cochran, Peleg Sunderland, Sylvanus Brown, James Breckenridge, and James Smith, whom they considered the most obnoxious of the settlers.

We have already observed that the passage of the foregoing law put an end to all prospects of reconciliation, or submission to the claims of New York. It was regarded by the settlers on the New Hampshire grants, as originating solely in the avarice of a set of unprincipled speculators, who coveted their lands with their valuable improvements; and as designed to terrify them into submission. They were satisfied that the popular sentiment was in their favor, that the great body of the people of New York felt no interest in enforcing the claims of that province to the lands in question, and former experience had proved that the militia could not be brought to act against them with any effect.

Under such circumstances, the threatenings and arbitrary laws of that government were far from inspiring terror.—They were rather regarded by the settlers with contempt, and, instead of palsyng, they tended to nerve the arm of resistance. Indeed, the idea of submission seems never, for a moment, to have been entertained by these brave and determined veterans. Having been long injured to tolls and hardships, they were prepared to encounter difficulties and dangers with unflinching resolution and firmness. And so very highly did they prize their personal rights and liberties, that, rather than surrender them to the arbitrary claims of New York, they almost unanimously, resolved to meet death, if necessary, in their defence.

These views and feelings are fully manifested in the remonstrance which they made against the foregoing law, as will appear from a few brief extracts, taken from that fearless and spirited production. After portraying, in their peculiar style, the character of the New York government, they proceeded to say, "that by legerdemain, bribery and deception, they have extended their dominions far and wide. They have wrangled with, and encroached upon, the neighboring governments, and have used all manner of deceit and fraud to accomplish their designs. Their tenants groan under their usury and oppression, and they have gained, as well as merited, the disapprobation and abhorrence of their neighbors. The innocent blood they have already shed, calls for Heaven's vengeance on their guilty heads; and, if they should come forth in arms against us, thousands of their injured neighbors will join with us, to cut off and exterminate such an execrable race of men from the face of the earth."

Again, says that document: "we therefore advertise such officers, and all persons whatsoever, that we are resolved to inflict immediate death on whomsoever may attempt the same; (that is, the apprehension of any of the persons indicted as rioters.) And provided any of us, or our party shall be taken, and we have not notice sufficient to relieve them; or whether we relieve them or not, we are resolved to surround such person, or persons, as shall take them, whether at his, or their own house, or houses, or any where that we can find him, or them, and shoot such persons, or persons, dead. And furthermore, we will kill and destroy any person or persons whomsoever, that shall presume to be accessory, aiding or assisting in taking any one of us, as aforesaid; for, by these presents, we give any such disposed person, or persons, to understand, that although they have a license by the law aforesaid, to kill us; and an 'indemnification' for such murder, from the same authority, yet they have no indemnification for so doing from the Green Mountain Boys; for our lives, liberties and property are as verily precious to us as to any of the king's subjects; but if the governmental authority of New York insist upon killing us, to take possession of our 'vineyards'—let them come on; we are ready for a game of scalping with them, for our martial spirits glow with bitter indignation and consummate fury, to blast their infernal projects."

The remonstrance, from which the foregoing are extracts, was dated the 26th day of April, 1774, and signed by Ethan Allen and six others. About this time a plan was concerted to avoid the jurisdiction of New York, by having the New Hampshire grants, and that part of New York lying east of Hudson river, erected into a separate royal government. To effect this object, Philip Skene, a colonel in one of the king's regiments, and the owner of large possessions on lake Champlain, went over to Great Britain, and seems to have met with some success; but nothing decisive had been done when the revolution commenced, which put an end to the negotiation.

The opposition to the claims of New York had hitherto been confined, principally, to the inhabitants on the west side of the mountains. The settlers on the grants in the vicinity of Connecticut river, had, many of them, surrendered their original charters, and had taken new ones under the authority of New York. In several of the towns they submitted quietly to the jurisdiction of that colony, and stood, in a measure, unconcerned spectators of the controversy in which the settlers on the more westerly grants, were so deeply involved.—And where this was not the case, they had not yet been driven to desperation by the executive officers of New York.—They were not, however, indifferent to the policy of Great Britain towards her American Colonies. The settlers on the New Hampshire grants were, generally, emigrants from the other New England provinces, and they readily sympathized with their kindred and friends, and were by no means backward in imbibing the growing spirit of opposition to the oppressive and arbitrary measures pursued by the mother country towards her colonies.

The affairs of the colonies had assumed so alarming an aspect, that delegates from most of the provinces met at Philadelphia on the 5th of September, 1774, to consult upon measures for the common safety. The meeting of this congress was followed by an almost universal suspension of the royal authority in all the colonies, excepting New York, which refused its assent to the measures recommended by that body, and the

courts of justice were either shut up or adjourned without doing any business. The first interpretation of this kind in the colony of New York, happened in the county of Cumberland, on the New Hampshire grants.

The stated session of the court for that county was to have been held at Westminster, on the 13th of March, 1775. Much dissatisfaction prevailed in the county because New York had refused to adopt the resolves of the continental Congress, and exertions were made to dissuade the judges from holding the court. But, as they persisted in doing it, some of the inhabitants of Westminster and the adjacent towns, took possession of the court house at an early hour in order to prevent the officers of the court from entering. The court party soon appeared before the court house, armed with guns, swords and pistols, and commanded the people to disperse. But, as they refused to obey, some harsh language passed between them, and the court party retired to their quarters.

The people then had an interview with judge Chandler, who assured them that they might have quiet possession of the house till morning, when the court should come in without arms, and should hear what they had to lay before them. But, contrary to this declaration, about eleven o'clock at night, the sheriff, with the other officers of the court, attended by an armed force, repaired to the court house. Being refused admittance, some of the party fired into the house and killed one man and wounded several others. The wounded men they seized and dragged to prison, with some others who did not succeed in making their escape.

By means of those who escaped, the news of this massacre was quickly spread, and before noon the next day, a large body of armed men had collected. A jury of inquest brought in a verdict, that the man was murdered by the court party. Several of the officers were made prisoners and confined in the jail at Northampton, in Massachusetts. But, upon the application to the Chief Justice of New York, they were released from prison and returned home.

These proceedings aroused the spirit of opposition to New York throughout the grants on the east side of the mountains. A meeting of committees from the several townships was held at Westminster, on the 11th of April, 1775, at which a number of spirited resolutions were adopted relative to the late unhappy transactions. Among other things it was voted, "That it is the duty of the inhabitants, as predicated on the eternal and immutable law of self-preservation, wholly to renounce and resist the administration of the government of New York, until such times as the lives and property of the inhabitants may be secured by it." A committee was also appointed, of which Ethan Allen was one, to remonstrate to the court of Great Britain against that government and to petition his Majesty, "to be taken out of so oppressive a jurisdiction and either annexed to some other jurisdiction, or incorporated into a new one."

Thus were the settlers on the east side of the mountains driven to make common cause with their brethren on the west, in opposing the government of New York. The indignation of the settlers throughout the New Hampshire grants was now raised to the highest pitch, and probably the commencement of the American war at Lexington, on the 19th of April, was the only thing which prevented the parties proceeding to open hostilities. This event produced a shock which was felt throughout the colonies; local and provincial contests were at once swallowed up by the novelty, the grandeur and the importance of the contest thus opened between Great Britain and her American colonies.

### CHAPTER V.

It has already been remarked that, although several establishments had been made in Vermont previous to that time, the commencement of the settlement may properly be dated from the conquest of Canada in 1760. In that year, the whole number of settlers on the territory of Vermont did not exceed 300 persons, and although the settlement began from that time sensibly to advance, it was by no means rapid till after the treaty of peace, in 1763, by which Canada was ceded to Great Britain. In 1764, settlements had been commenced in many of the townships on Connecticut river as far north as Newbury, and in several townships on the west side of the Green Mountains, in the county of Bennington.

In 1765, the government of New York, having acquired authority from the British crown to exercise jurisdiction over the New Hampshire grants as far eastward as Connecticut river, commenced the division of the territory into counties, as mentioned in chapter third. The division lines between the counties were, however, a matter of little consequence, towards the close of this period, for when the government of New York found the opposition to their measures so determined and so general among the settlers on the grants, they seem to have given the court of Albany county jurisdiction over the whole tract of country. This gave rise to the expression, *unlimited county of Albany*, so frequently used by the Vermont pamphleteers during the controversy with New York.

Previous to the year 1770, scarcely any settlements had been made on the west side of the Green Mountains to the northward of the present county of Ben-

nington. During the next year, 1771, settlements were commenced in several townships in Rutland county, and this year was taken the first census of the inhabitants on the grants on the east side of the mountains. By this enumeration it appears that Cumberland county contained, in 1771, 3,947 inhabitants, and Gloucester county 722, and it was estimated that these two counties contained at that time two-thirds of the people in the whole district. The whole number of inhabitants must therefore have been about 7000.

No complete census was taken till the year 1791, and hence it is impossible to determine the precise population of Vermont at the time of the commencement of the American Revolution. But as the settlements were rapidly extending during the five years succeeding the year 1771, we may safely conclude, that the whole population of Vermont, at the commencement of the war was at least 20,000. About the close of the war we find the population incidentally estimated by Doct. Williams at 30,000 souls.

The settlers on the New Hampshire grants were a brave, hardy, but uncultivated race of men. They knew little of the etiquette of refined society, were blessed with few of the advantages of education, and were destitute of the elegancies, and in most cases of the common conveniences of life. They were sensible that they must rely upon the labor of their own hands for their daily subsistence, and for the accumulation of property. They possessed minds which were naturally strong and active, and they were aroused to the exercise of their highest energies by the difficulties which they were compelled to encounter. The controversy in which they were engaged involved their dearest rights. On its issue depended not only their titles to their possessions, but, in many cases, their personal liberty and safety. Though unskilled in the rules of logic, their reasoning was strong and conclusive, and they possessed the courage and perseverance necessary for carrying their plans and decisions into execution.

We have already observed that, at the head of the opposition to the proceedings of New York, stood Ethan Allen, a man obviously fitted by nature for the circumstances and exigencies of the times.—Bold, ardent and unyielding, he possessed an unusual degree of vigor both of body and mind, and an unlimited confidence in his own abilities. With these qualifications, the then existing state of the settlement rendered him peculiarly fitted to become a prominent and successful leader. During the progress of the controversy, Allen wrote and dispersed several pamphlets, in which he exhibited, in a manner peculiar to himself, and well suited to the state of public feeling, the injustice and cruelty of the claims and proceedings of New York.—And although these pamphlets are unworthy of notice as literary productions, yet, they were at the time extensively circulated, and contributed much to inform the minds, arouse the zeal, and unite the efforts of the settlers.

The bold and unpolished roughness of Allen's writings were well suited to give a just description of the views and proceedings of a band of speculating and unprincipled land-jobbers. His method of writing was likewise well adapted to the condition and feelings of the settlers, and probably exerted a greater influence over their opinions and conduct, than the same sentiments would have done clothed in the chaste style of classic elegance.—Nor did it differ greatly in style, or literary merit, from the pamphlets which came from New York. But although Allen wrote with asperity and freedom, there was something generous and noble in his conduct. He refrained from every thing which had the appearance of meanness, injustice, cruelty or abuse towards those who fell into his power, and protested against the same in others.

Next to Allen, Seth Warner seems to have acted the most conspicuous part among the settlers. He, like Allen, was firm and resolute, fully determined that the decisions of New York against the settlers should never be carried into execution. But while Allen was daring and sometimes rash and imprudent, Warner was always cool, calm and comparatively cautious. After Warner was proscribed as a rioter, as related in a preceding chapter, an officer from New York attempted to apprehend him. He, considering it an affair of open hostility, defended himself against the officer, and in turn attacked, wounded and disarmed him; but, with the spirit and generosity of a soldier, he spared his life.

After Ethan Allen and Seth Warner, no person on the New Hampshire grants, up to the close of this period, acted a more distinguished part, or was more serviceable to the settlers, than Remember Baker. He was the pioneer in many an enterprise and was always in readiness for any emergency. Being a joiner and mill-wright by trade, he built the first mills which were erected at Arlington and Pawlet, and was preparing in connection with his cousin, Ira Allen, for the erection of mills at Winooksi falls, when the war of the revolution commenced.

During the protracted controversy in which these men acted so prominent a part, there had been up to this time frequent attempts to arrest it and bring it to an amicable settlement. Orders from the crown had likewise been often given to New York to suspend further prosecutions and make no more grants of the

lands in dispute, till His Majesty's further pleasure should be known respecting them. But in despite of royal orders and the remonstrances of the settlers on the grants, New York continued to assert and to endeavor to enforce her claims, and the repeated but vain attempts at reconciliation, served only to embitter the resentment of the contending parties, and produce a state of hostility more decided and alarming.

The affairs of the inhabitants of the grants appear to have been managed, during this period, by committees appointed in the several towns, and who met in convention as occasion required, to adopt measures for the common defence and welfare. The resolutions and decrees of these conventions were regarded as the law of the land, and their infraction was always punished with exemplary severity. The punishment most frequently inflicted was the application of the "beech seal" to the naked back, and banishment from the grants. This mode of punishment derived its name from allusion to the great seal of the Province of New Hampshire, which was affixed to the charters of the townships granted by the governor of the province, of which the beech rod well laid upon the naked backs of the "Yorkers," and their adherents, was humorously considered a confirmation.

That the reader may have a just idea of the summary manner in which the convention and committees proceeded against those who violated their decrees, we will lay before them the sentence of Benjamin Hough, as a sample. It appears that Hough, who resided in the vicinity of Clarendon, and who was a violent Yorker, went to New York in the winter of 1774, for the purpose of obtaining the aid of government against the Green Mountain Boys, and that on the 9th day of March, the very day of the passage of the extraordinary law of which we have already spoken in this chapter, he accepted the office of justice of the peace for the county of Charlotte under the authority of New York. On his return he proceeded to execute his new office within the grants, in defiance of the decrees of the convention, which forbade it. He was repeatedly warned to desist, but being found incorrigible, he was arrested and carried before a committee of safety at Sunderland. The decrees of the convention and the charges against the prisoner being read in his presence, he acknowledged that he had been active in promoting the passage of the law above mentioned, and in the discharge of his duties as magistrate, but pleaded the jurisdiction of New York over the Grant, in justification of his conduct. This plea having no weight with the committee, they proceeded to pronounce upon him the following sentence, viz: "That the prisoner be taken from the bar of this committee of safety and be tied to a tree, and there, on his naked back, receive two hundred stripes; his back being dressed, he should depart out of the district, and on return, without special leave of the convention, suffer death." This sentence was forthwith carried into execution, with unsparring severity, in the presence of a large concourse of people. Hough asked and received the following written certificate of his punishment, signed by Allen and Warner:

"SUNDERLAND, 30th of Jan., 1775.

"This may certify to the inhabitants of the New Hampshire Grants, that Benjamin Hough hath this day received a full punishment for his crimes committed heretofore against this country, and our inhabitants are ordered to give him, the said Hough, a free and unmolested passport towards the city of New York, or to the westward of our grants, he behaving himself as becometh. Given under our hands the day and date aforesaid.

"ETHAN ALLEN,  
SETH WARNER."

On the delivery of the paper, Allen sarcastically observed that the certificate together with the receipt on his back, would no doubt be admitted as legal evidence before the supreme court and the governor and council of New York, though the King's warrant to Gov. Wentworth and his excellency's sign manual with the great seal of the province of New Hampshire would not.

Hough repaired immediately to the city of New York, where he gave, under oath, a minute account of the transactions above mentioned, and this matter, together with the particulars of the transactions at Westminster on the 13th of March, was made the subject of a special message to the colonial assembly by Lieut. Gov. Colden. The assembly, after discussing these subjects on the 30th and 31st of March, finally resolved to appropriate £1,000 for the maintenance of justice and the suppression of riots in the county of Cumberland, and that a reward of £50 each be offered for apprehending James Mead, Gideon Warren and Jesse Sawyer, and also a reward of £50 each, in addition to the rewards previously offered, for the apprehension of Ethan Allen, Seth Warner, Robert Cochran and Peleg Sunderland. These resolutions constituted the last and dying efforts of the royal government of New York against the New Hampshire Grants. The assembly was soon prorogued and never met again, being superseded by the revolutionary authority of the provincial congress.

Although the application of the beech seal was the most common punishment, others were frequently resorted to. Some of these were in their nature trifling and